

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 649 of 2005 (M/B)

Ajay Kumar Saxena,
S/o Sri Ved Prakash Saxena,
R/o 11-D, Hari Mandir Gali,
Rudrapur, Tehsil and Post Rudrapur,
District Udham Singh Nagar. Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Home & Internal Affairs,
Civil Secretariat, Uttaranchal Govt.,
Dehradun.
2. Senior Superintendent of Police,
Rudrapur, District Udham Singh Nagar,
3. Station House Officer.
P.S. Rudrapur,
District Udham Singh Nagar. Respondents

Mr. SK. Mandal, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

JUDGMENT

**Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.**

RAJEEV GUPTA, C.J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the respondents.
They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

“I) Issue a writ order or direction in the nature of mandamus directing and commanding the respondents to provide the Police Protection and security Guard on Govt. Expenses to save the life of the petitioner.

II) Issue any suitable writ order or direction in the nature which this Hon’ble court may deem fit and proper in the circumstances of the case.

III) Award the cost of the petition.”

3. The petitioner is seeking police protection and security guard on Government expenses.

4. The respondents, in their counter affidavit, have made following averments in para 3:

“3. That before giving parawise reply to the contents of the writ petition, it is essential to place certain facts regarding providing personal Security Guard, as has been prayed by the petitioner in the instant writ petition:

A. That for providing personal Security Guard to VIP, VVIP & other Dignitaries and also to the private individuals the Government of Uttaranchal has issued a Government Order No. 36/Home/2000 dated 11th January 2001, in which in para 1(4) of this Government Order the provisions regarding providing personal Security Guard to private individuals has been mentioned.

B. That under the provision of Para 1(4) of the aforesaid Government Order, personal Security Guard can be provided to private individuals considering the security of the person concerned and the same will be provided on the expenses of the individual concerned.

C. That for the purpose of considering the security of the individual concerned a Committee is required to be constituted under Para 2 of the aforesaid Government Order comprising District Magistrate, Chairman of the Committee; Senior Superintendent of Police / Superintendent of Police and Superintendent of Police, Local Intelligence Unit of the District concerned as Member of the said Committee, who will submit their recommendation through the Director General of Police to the State Government and under the provision of para 5 of the aforesaid Government Order, and thereafter the Government will take appropriate decision regarding providing Security Guard on the expenses of the individuals. True copy of the Government Order dated 11th January 2001 is being annexed herewith and marked as **Annexure CA1** to this affidavit.

D. That since the matter of the petitioner was recommended for providing personal Security Guard on the expenses of the petitioner to the State Government and after considering the recommendation, the State Government vide its Order No. 1127/XX(1)Security/37/2005 dated 15th June 2005 sanctioned a personal Security Guard to the petitioner subject to depositing 100% expenses of the Security

Guard /Gunner. True photocopy of the Order dated 15th June 2005 is being annexed herewith and marked as **Annexure CA-2** to this affidavit.”

5. Mr. S.K. Mandal, the learned counsel for the petitioner could not point out any provision of law, which entitles the petitioner to police protection and security guard on Government expenses.

6. We, therefore, do not find any ground for grant of the reliefs sought by the petitioner.

7. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed.

(Prafulla C. Pant, J.)
05.05.2006

(Rajeev Gupta, C.J.)
05.05.2006

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